



## Memorandum

**TO:** BLUE RIBBON TASK FORCE  
ON ETHICS

**FROM:** Ken Yeager

**SUBJECT:** FRAMEWORK REGARDING  
CENSURE POLICY

**DATE:** November 1, 2004

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### INTRODUCTION

This memo is to present a framework of actions the City Council could take in regard to admonition, reprimand, or censure.

### ANALYSIS

In considering options for such actions, it is helpful to begin with definitions. According to the Merriam-Webster Collegiate Dictionary, 10th edition, an admonition is a "gentle or friendly reproof" or a "counsel or warning against fault or oversight." A reprimand is a "severe or formal reproof." Censure is "a judgment involving condemnation."

The City Council could admonish its members collectively through a warning that behavior violating City policies is inappropriate and unacceptable and if it occurs could be subject to either reprimand or censure. The Council could also admonish an individual member or several members. Again, these are warnings against future behavior or notices that action could be taken if past behavior violating Council policy becomes known by the Council. In a sense, the action the City Council took when approving the memo from Mayor Gonzales was an admonition because it said that if inappropriate behavior was found to be true, Council would act.

Censure addresses actions the Council can take if one or more of its members is found guilty of types of behavior identified in the existing censure policy. The process for censure is clear, including forwarding a formal charge to the Rules Committee, a hearing process, and Council consideration of action.

For behavior unbecoming of an elected official or in violation of a City policy that is short of violating state or federal laws, or City ordinances, the City Council might want to consider a reprimand. It is a step between admonition and censure.

The framework we could consider for a reprimand is similar to censure, but less formal. A Councilmember or Councilmembers would submit a memo to Rules outlining the specific actions taken by a colleague(s) that violates City policy or policies. The elected official subject to reprimand could either in person or in writing submit their side of the story to Rules. The Rules Committee could then decide to forward the reprimand to the full City Council for action.

The Council could have a hearing, but could also proceed based on the written record, since it would present both sides of the issue.

In all three cases, admonition, reprimand and censure, the initial action would begin at Rules, as with any item one wants to add to a Council agenda. An admonition addresses a future action or an unproven allegation. With an admonition, Council issues a warning that elected official behavior that violates City policies or the law will be addressed by the Council. The Council could issue a reprimand against a Councilmember who violated a City policy, but the violation is not subject to criminal charges or investigations. Finally, the Council can censure a Councilmember if the behavior violates City policy or the law and the Councilmember is convicted of the law violation.

The process for admonition would be a memo to Rules. The memo would state why the admonition was necessary such as the importance of stating to the public or the organization where the City Council stands on the issue. Rules could either recommend approval of the admonition, forward without recommendation or vote not to move the admonition to the full City Council. It is important to be clear that in the case of an admonition directed to specific Councilmembers, that action does not declare the parties guilty. Rather, an admonition means that if you are found to have violated the law or Council policies, we will take further action.

The process for a reprimand would be a Councilmember(s) memo to Rules stating the specific actions taken by a Councilmember that would subject him or her to a reprimand. The Rules Committee could accept or reject the memo. The Rules Committee could offer an opportunity for the Councilmember being charged with a violation of City policies to offer his or her position. The Councilmember so charged could write a memo explaining his or her response to the charges. The Rules Committee would review the written documentation and decide to forward the memos to the full Council with a recommendation or no recommendation or could decide to reject the call for a reprimand.

The process for censure is already well outlined in the existing policy.

I think the key values the Council wants to protect are:

- 1) The Council expects its members to follow City policies and the law.
- 2) If a member does not follow City policies, the Council is prepared to act either through reprimand or censure.
- 3) Councilmembers' rights must also be protected including the right of being innocent until proven guilty, the opportunity to present a defense against any charges brought, and the right to present a recommendation for reprimand or censure to the Council through its Rules Committee.

